

United States District Court
For The Middle District Of Pennsylvania

DEVIN RICHARDSON,


Plaintiff Pro-se

DAP-C, Dr. L. Murry

Chaplain Adekola

Defendant(s)

FILED
HARRISBURG, PA

JAN 21 2020
PER 
DEPUTY CLERK

COMPLAINT

Civil Action Pursuant to Bivens v.

Six Unknown Named Agents 403

U.S. 388 (1971).

Docket No.

4:20-CV-110

Plaintiff Demands a Trial by Jury

Jurisdiction

This is a civil action seeking relief and/or damages to defend and protest the rights guaranteed by Federal Law and by the Constitution of the United States. This action is brought pursuant to Bivens v. six unknown named agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971). The court has jurisdiction over this action pursuant thereto.

Parties

Plaintiff: Devin Richardson

730 E 166th St. Apt 3A

Bronx, NY, 10465

Defendant: DAP-C, Dr. L. Murry

Official Position: Drug Abuse Program Coordinator

FCI Schuylkill Interstate 81 and 901 W

Minersville, PA 17954

Defendant: FCI Chaplain Adekola

Official Position: FCI Chaplain

FCI Schuylkill Interstate 81 and 901 W

Nature of Case

On or about January 2, 2017, Plaintiff made Drug Treatment Specialist (DTS) Mr. Beachel of F.C.I Schuylkill R-DAP, aware of the Islamic Prohibition of shaking hands with unrelated women and his desire to observe the religious requirement at the R-DAP transition ceremony.

On or about January 6, 2017, Plaintiff submitted a BP-8 underlining the above religious requirement and his desire to observe it, at the upcoming R-DAP transition ceremony. As a result of submitting the BP-8 request, Plaintiff was "teamed" by R-DAP staff on January 12, 2017.

During this "team" the DAP-C, Dr. L. Murry informed Plaintiff that chaplain Adekola informed her that it was permissible in Islam to shake hands with women and that Plaintiff must do so at the R-DAP transition ceremony. However, prior to being "teamed" by R-DAP staff, Plaintiff was counseled by Chaplain Adekola. Chaplain Adekola explained that he informed Dr. Murry that he "could not tell Plaintiff that his religious views were right or wrong."

On January 12, 2017, Plaintiff forwarded a request to Dr. Murry via the Trulincs system explaining that plaintiff will shake hands with female staff at the R-DAP transition ceremony, only because Plaintiff was being compelled to choose between the dictates of his religious beliefs, and completing R-DAP successfully.

On January 17, 2017, at the R-DAP transition ceremony, Plaintiff did shake hands with female staff, and was allowed to transition and receive the benefits thereof. While other inmates, who did not shake hands with female staff in observance of the Islamic prohibition, were not allowed to transition and were held back by Dr. L. Murry.

Cause of Action

Plaintiff alleges that his constitutional rights under the First Amendment's free exercise of

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religion clause, and his right under the Religious Freedom Restoration Act (RFRA) 42 USC sec 2000 bb (1)(2) were violated by DAP-C, Dr. Murry and Chaplain Adekola. Where Plaintiff was made to shake hands with female staff, in violation of his religious dictates.

Injury

Defendants placed a substantial burden upon Plaintiff by forcing him to choose between following the precepts of his religion and successfully completing R-DAP and abandoning the benefits by transitioning.

Previous Lawsuits and Administrative Relief

No other lawsuit has been filed by Plaintiff on these issues. Plaintiff did file an administrative remedy with the BOP seeking informed relief, however, plaintiff was released from BOP custody before the request was answered.

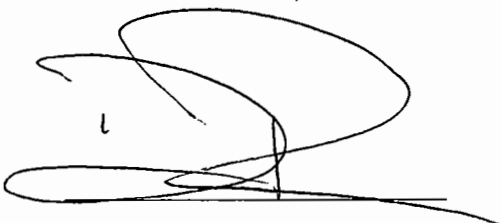
Request for Relief

Plaintiff requests monetary damages in the sum of \$5,000,000.00 from Defendant Dr. Murry and monetary damages in the sum of \$1,500,000.00 from Defendant Adekola. For violation of Plaintiff's rights under the First Amendment's free exercise of religion clause and RFRA.

Declaration Under Penalty of Perjury

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint, and that the information contained therein is true and correct.

28 USC sec. 1746; 18 USC sec 1621. Executed at Bronx, NY 10456 on 1/16/20



Devin Richardson #83574-053

FCI Schuylkill

PO Box 759

Minersville, PA 17954

Affidavit of Devin Richardson

Now comes Devin Richardson, the deponent herein, being duly sworn according to the law depose and says:

- On or about January 2, 2017, deponent made DTS Beachel aware of the Islamic prohibitions of shaking hands with unrelated women and the desire to observe this religious requirement at the R-DAP transition ceremony. DTS Beachel ordered that I document my issue on a BP.8 and return the BP.8 request to him.
- On or about January 6, 2017, deponent complied with DTS Beachel's order and submitted a BP.8 underlining the religious prohibition of shaking hands with unrelated women and deponent's desire to observe this religious requirement at the R-DAP transition ceremony.
- As a result of submitting the BP.8 request, deponent was "teamed" on January 12, 2017, to address the issue of shaking hands with female staff at the R-DAP transition ceremony.
- During this "team", the DAP-C Dr. Murry informed deponent that Chaplain Adekola (the Imam) informed her that it was permissible in Islam to shake hands with women and deponent must do so.
- Deponent was counseled by Imam Adekola on January 12, 2017. Imam Adekola explained that he informed Dr. Murry "he could not tell deponent that his religious views were right or wrong." Imam Adekola also informed that shaking hand with women was not sin.

- On January 12, 2017, deponent forwarded a request to Dr. Murry via the TRULINCS SYSTEM explaining that " I will shake hands with female staff at the R-DAP transition ceremony, only because I was being compelled to do so and I was doing so involuntarily and against my religious beliefs."
- On January 17, 2017, at the R-DAP transition ceremony, deponent shook hands with female staff and was allowed to transition. While other inmates, who did not shake hands with female staff in observance of the herein Islamic requirement, were not allowed to transition and were held back by Dr. Murry. (See affidavit of Scott Mayo, see also disciplinary disposition for Scott Mayo both attached thereto.

I, Devin Richardson, the deponent herein, swears under penalty of perjury that the foregoing is true and correct.

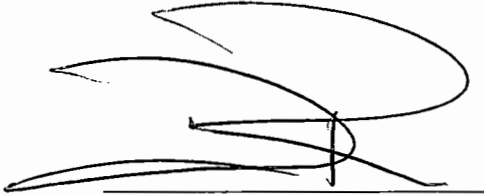
Dated January 25, 2017 at Minersville, PA.

Sworn to before me..

Declaration Under Penalty of Perjury

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint, and that the information contained therein is true and correct.

28 USC sec. 1746; 18 USC sec 1621. Executed at Bronx, NY 10456 on 1/16/20



Subscribed and sworn to before me
this 16 day of January 2020
By Devin S. Richardson
Notary Public

FORB O. DIALAH
Notary Public, State of New York
No. 0116309878
Qualified in Bronx County
Commission Expires: 07-28-2022

United States District Court
For The Middle District Of Pennsylvania

DEVIN RICHARDSON,

Plaintiff Pro-se

DAP-C, Dr. L. Murry

Chaplain Adekola

Defendant(s)

COMPLAINT

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Certificate of Service

Now comes Devin Richardson, the claimant in the above entitled action, certifies that on January 15th 2020, that he did forward by US First Class Mail, the complaint affidavit of Devin Richardson and motion to proceed in Forma Pauperis to the US District Court for the middle district of Pennsylvania located at 228 Walnut Street, Harrisburg, PA 17101.

Declaration Under Penalty of Perjury

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint, and that the information contained therein is true and correct.

28 USC sec. 1746; 18 USC sec 1621. Executed at Bronx, NY 10456 on 1/16/20

KIRIS O. DALAH
Notary Public, State of New York
No. 01D16309809
Qualified in Bronx County
Commission Expires 7-28-2022

Subscribed and sworn to before me
this 16th day of January 2020
By Devin S. Richardson
Notary Public